

December 11, 2000

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT**

SUBJECT: Department of Development and Environmental Services File No. **L99P3010**  
Proposed Ordinance No. **2000-0577**

**WILKINS' WOODS**  
Preliminary Plat Application

Location: 16613 – 113<sup>th</sup> Avenue Southeast, Renton, Washington

Applicant: **Mel L. Daley**  
Daley-Morrow-Poblete, Inc .  
726 Auburn Way North  
Auburn, WA 98002  
Telephone: (253) 333-2200  
Facsimile: (253) 333-2206

King County: Department of Development and Environmental Services  
Land Use Services Division, *represented by*  
**Karen Scharer**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-7114  
Facsimile: (206) 296-7051

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions
Examiner's Decision:	Approve, subject to conditions

**PRELIMINARY MATTERS:**

Application or petition submitted:	September 9, 1999
Complete application:	October 7, 1999

EXAMINER PROCEEDINGS:

Hearing Opened: December 7, 2000  
Hearing Closed: December 7, 2000

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Student walking conditions
- Safe walking conditions
- Walkway
- Drainage
- Road standards
- Interlocal agreement
- Density
- Intersection lighting

SUMMARY:

Grants preliminary approval to the proposed subdivision of 1.53 acres into 10 single-family residential building lots.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. **General Information.**

Owner:	John Wilkins 16613 – 113 <sup>th</sup> Ave. SE Renton, WA 98055
Developer/ Engineer:	Mel L. Daley, P.E. Daley-Morrow-Poblete, Inc. 726 Auburn Way North Auburn, WA 98002 Telephone: (253) 333-2200
Location:	16613 – 113 <sup>th</sup> Avenue SE, Renton, WA
STR:	29-23-05 Parcel #00800 - 0400
Zoning:	R-8 SO
Acreage:	1.53 acres

Number of Lots:	10
Density:	6.5 units per acre
Lot Size:	Ranges from approximately 3,000 to 6,200 square feet
Proposed Use:	Single-family detached dwellings
Sewage Disposal:	Soos Creek Water and Sewer
Water Supply:	Soos Creek Water and Sewer
Fire District:	King County District #40
School District:	Renton School District

2. **Proposal.** John Wilkins (the Applicant), represented by Mel L. Daley, P.E., proposes to subdivide a 1.53 acre parcel into 10 single-family residential building lots. With lot sizes ranging from approximately 3,000 to 6,200 square feet, the plat will achieve a density of approximately 6.5 dwelling units per acre—within the density range authorized by the R-8 zoning classification. The proposed development is described more precisely in Exhibit No.7 (Preliminary Site Plan) a reduced copy of which is included as Attachment No. 1 to the Preliminary Report dated September 7, 2000 (Exhibit No. 2) prepared by the Department of Development and Environmental Services (“DDES” or “Department”).
3. **State Environmental Policy Act.** On October 10, 2000 the Department issued a threshold Determination of Non-Significance (DNS) regarding Wilkins’ Wood. That is, the Department issued its determination that an Environmental Impact Statement (EIS) need not be prepared. That determination was based upon the Department’s finding, having reviewed the environmental checklist and various relevant environmental documents, that the proposed development would not create or cause a probable significant adverse impact on the environment. No agency, tribe, person or other entity appealed that determination. The environmental review record supporting that determination is incorporated in this public review record as well.
4. **Department Recommendation.** The Department recommends granting preliminary approval to the proposed plat of Wilkins’ Wood, subject to the 13 conditions of final plat approval stated on pages 5 through 9 of the Department’s Preliminary Report (Exhibit No. 2). Those conditions address density and dimensional requirements of the R-8 zone, platting requirements, public and private road standards, fire protection, drainage (including run off control, conveyance, water quality and geotechnical analysis), road design standards, utilities, mitigation payments due to King County Department of Transportation, impact mitigation payments due to the Renton School District, suitable recreation area, “significant tree” provisions, street trees, and inspection fees.
5. **Applicant Response.** The Applicant accepts the Department’s recommendation as set forth in Exhibit No. 2 (Preliminary Report).
6. Neighboring property owners have expressed concerns regarding traffic, density, drainage, noise, utilities and character of development. Public hearing participants particularly expressed concern regarding the following:
  - a. **Density and character of development.** The density of the proposed development complies with the requirements of the zone. The same zone applies to surrounding properties. However, the surrounding properties are not (yet) developed at R-8 density.

Thus, the proposed development contrasts with a neighborhood that may be regarded as “large lot” rural/suburban in character. Generally, County-wide, the King County Comprehensive Plan calls for higher densities in urban areas and lower densities in rural areas. The vicinity of the proposed development has been designated by the County Council as “urban.” This determination, already adopted and contained in the Comprehensive Plan and implementing zoning maps, cannot be reversed through the review of a single subdivision proposal.

With small urban lots, some property owners express concern regarding the character of the proposed build out—particularly regarding whether the new homes will be modular, mobile or “stick built.” King County does not regulate the “character” of new development. Design review is usually limited to historic preservation districts or similar special areas. However, the Applicant’s representative observes that the cost of developing these lots strongly mitigates against mobile home placement. In order to recover development costs, one may reasonably expect more substantial homes.

- b. **Drainage.** The subject property is divided into two sub-basins. However, the Applicant has obtained a drainage adjustment that authorizes collecting all impervious surface drainage on the property, then conveying it to a single retention/detention facility. At final plat approval, the facility will be transferred to King County ownership. King County will be responsible for maintenance as well. The drainage will be conveyed westward from the subject property to the 111<sup>th</sup> Avenue Southeast system through approved and accepted easements. Both storage and conveyance capacities must comply with King County Drainage Standards Manual. Northerly flowing drainage to the abutting Chihara property will be slightly reduced.
  - c. **Safe walking conditions.** RCW 58.17.110 requires that before granting preliminary plat approval the Examiner must find a condition of safe walking conditions for students who only walk to school. In order to meet this standard, the Department recommends, and the Applicant accepts, the following:
    - Sidewalk, curb and gutter development to County Urban Standard along the 200 foot property frontage.
    - Several hundred feet of (minimum) 5-foot wide gravel pathway, constructed to King County Road Standards specifications (extending from the subject property northward to Southeast 164<sup>th</sup> Street). Details of that walkway construction must be approved by the Department and will be coordinated with abutting/fronting property owners. A variety of design solutions are possible. In some cases, fences may be required to be moved. In others, the open ditch along 113<sup>th</sup> Avenue Southeast may be culverted. In yet others, the walkway may meander around a significant tree. The final design will be administratively approved by the DDES Engineering Review Unit as a condition of final plat approval.
7. **City of Renton Concerns.** The City of Renton and King County have not entered into an interlocal agreement whereby concerns regarding development standards may be mutually addressed, or whereby the City might influence development approvals and conditions within its intended future annexation area. Nonetheless, the City Engineering Department has offered comment in this case. The City requests that the proposed development be required to comply with City of Renton standards. The City standards, according to the DDES Review Engineer,

would require wider sidewalks, wider street roadway, and a larger turn-around bulb. The minimum County standards for a "minor access" street such as this one satisfy the dimensional requirements of the King County Fire Marshall (whose concern includes large vehicle access and turn-around capability). Whether the standards promulgated by the City should be considered as "lower" or "higher" is subject to dispute. Although the City standards allow greater vehicle maneuverability, they also increase the impervious surface load upon drainage systems. The Applicant opposes the City's recommendation because the City standards would require major redesign (at this very late date in the preliminary plat review process) and could reduce the number of lots authorized by the R-8 zoning classification.

8. Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated December 7, 2000 correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.
9. Any portion of any of the following conclusions that may be construed as a finding is incorporated here by this reference.

#### CONCLUSIONS:

1. Any portion of any of the above findings that may be construed as a conclusion is incorporated here by this reference.
2. *If approved subject to the conditions recommended below*, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
3. *If approved subject to the conditions recommended below*, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
4. The conditions for final plat approval recommended below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
5. The dedications of land or easements within and adjacent to the proposed plat, as recommended by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

#### DECISION:

The proposed plat of Wilkins' Wood is GRANTED PRELIMINARY APPROVAL; *subject* to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final

plat a dedication which includes the language set forth in King County Council Motion No. 5952.

3. The plat shall comply with the base density (and minimum density) requirements of the R-8 zone classification. All lots shall meet the minimum dimensional requirements of the R-8 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
4. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
5. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
6. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval, which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
  - a. Drainage plans and analysis shall comply with the 1998 King County Surface Water Design Manual. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

" All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with the plans on file."
  - d. Core Requirement No. 1: Discharge at the Natural Location.

The applicant has received approval for the requested diversion of surface water within the project (See Adjustment File L00V0040). The conditions for variance approval shall be satisfied during design and review of the project engineering plans.
  - e. Core Requirement No. 3: Runoff Control.

Storm water runoff control shall be provided using the Level One flow control detention criteria outlined in the 1998 King County Surface Water Design Manual (KCSWDM). The downstream conveyance capacity shall be evaluated during engineering review to accommodate developed, undetained flows above the design storms handled by the Level One flow control criteria. This will be required per Core Requirement #4 of the SWDM at engineering review.

The size of the proposed drainage tract may have to increase to accommodate the required detention storage volume. The runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180. As specified in section 5.1.1 of the 1998 KCSWDM, roof drain storm water shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.

f. Core Requirement No. 4: Conveyance Systems.

The outlet pipe from the detention facility that is proposed to convey storm water over the downstream Weber property shall adhere to Section 4.2.1 of the 1998 KCSWDM.

g. Core Requirement No. 8: Water Quality.

The site is subject to the Basic water quality requirements of the 1998 KCSWDM.

h. Special Requirement No. 1: Other Adopted Area Specific Requirements.

The project is located within the Soos Creek Community Planning Area that contains special district overlays for seasonal clearing restrictions, clearing and grading and significant trees. The applicable P-suffix requirements shall be addressed on the final engineering plans.

i. Geotechnical Analysis and Report.

A "Geotechnical Engineering Evaluation and Limited Subsurface Environmental Assessment" has been performed by AdaPT Engineering, Inc. Shallow depth to bedrock and marginal fill materials were located in the western and eastern portions of the site, respectfully. Recommendations from this report shall be implemented during engineering review.

7. The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:

- a. Proposed SE 167<sup>th</sup> Court shall be improved as an urban minor access street.
- b. Frontage road improvements on 113<sup>th</sup> Avenue SE are required to the urban subcollector standard.
- c. Tracts A and C shall be improved as private joint use driveways which serve a maximum of two lots. The serving lots shall have undivided ownership of the tract and be

responsible for its maintenance. As specified in KCRS 3.01C, improvements shall include an 18 foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.

- d. The proposed road improvements shall address the requirements for road surfacing outlined in KCRS Chapter 4. As noted in section 4.01F, full width pavement overlay is required where widening existing asphalt, unless waived by the review engineer or reviewing agency.
  - e. Street trees shall be included in the design of all road improvements, and shall comply with Section 5.03 of the KCRS.
  - f. Off-site road improvements of 113th Avenue SE north to SE 164<sup>th</sup> Street are required for safe school children walking conditions. Provide at a minimum a 5-foot wide gravel walkway.
  - g. There shall be no direct vehicular access to or from 113<sup>th</sup> Ave. SE from Lot 4, which abut it. A note to this effect shall appear on the engineering plans and final plat.
  - h. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.
8. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
9. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
10. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
11. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
- a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.

- b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
  - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
  - d. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation, open space and/or sensitive area tract(s).
12. SO-220 shall be implemented through submittal of engineering plans in compliance with the significant tree provisions.
13. Street trees shall be provided as follows (per KCRS 5.03 and KCC 21A.16.050):
- a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along all roads. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Department of Transportation determines that trees should not be located in the street right-of-way.
  - c. If King County determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the abutting lot owners *or* the homeowners association or other workable organization unless the County has adopted a maintenance program. Ownership and maintenance shall be noted on the face of the final recorded plat.
  - e. The species of trees shall be approved by DDES if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
  - f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval.
  - g. The applicant shall contact Metro Service Planning at 684-1622 to determine if 113<sup>th</sup> Ave. SE is on a bus route. If 113<sup>th</sup> Ave. SE is a bus route, the street tree plan shall also be reviewed by Metro.
  - h. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed

and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

- i. A landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 11<sup>th</sup> day of December, 2000.

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 11<sup>th</sup> day of December, 2000, to the following parties and interested persons:

Jim Chihara  
Mel Daley  
Roger Dorstad  
Connie L Johnson  
Linda Matlock  
Eleanor Moon  
Paul Morrow  
New Home Trends  
Mike Ryan  
Beth A Scheffer  
Seattle-King County Health Dept  
Chris Nunnallee

John Wilkins  
Mark Bergam  
Greg Borba  
Kim Claussen  
Peter Dye  
Nick Gillen  
Kristen Langley  
Aileen McManus  
Carol Rogers  
Karen Scharer  
Larry West

#### NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) *on or before December 25, 2000*. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before January 1, 2001*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing and representing the Department was Karen Scharer and Mark Bergam. Participating in the hearing and representing the Applicant was Mel Daley. Other participants in this hearing were Jim Chihara and Chris Nunnallee.

The following exhibits were offered and entered into the record:

- |                |  |
|----------------|--|
| Exhibit No. 1  | DDES File No. L99P3010   |
| Exhibit No. 2  | DDES Preliminary Report to the Hearing Examiner, dated December 7, 2000  |
| Exhibit No. 3  | Application, dated September 9, 1999   |
| Exhibit No. 4  | Environmental Checklist, dated August 25, 1999   |
| Exhibit No. 5  | Declaration of Non-significance, dated October 10, 2000  |
| Exhibit No. 6  | Affidavit of Posting indicating October 13, 999 as date of posting and October 15, 1999 as the date the affidavit was received by DDES.                                |
| Exhibit No. 7  | Site Plan (preliminary plat drawing), dated July 27, 2000, received July 28, 2000  |
| Exhibit No. 8  | Revised Downstream Analysis, DMP Engineering, Inc., received March 27, 2000  |
| Exhibit No. 9  | Assessors Map NE 29-23-05  |
| Exhibit No. 10 | Geotechnical Analysis, AdaPT Engineering, Inc., received March 27, 2000  |
| Exhibit No. 11 | Pedestrian Analysis, Daley-Morrow-Poblete, Inc., received March 27, 2000   |
| Exhibit No. 12 | Application for Surface Water Drainage Manual Adjustment Request, received March 27, 2000  |
| Exhibit No. 13 | Letter received January 4, 2000 from Michial Ryan  |
| Exhibit No. 14 | Letter received November 9, 2000 from Jim Chihara  |
| Exhibit No. 15 | E-mail from the City of Renton, dated December 5, 2000 and received December 5, 2000 requesting the County to use the City development standards for road improvements |

RST:sje

Plats/L99P3010 RPT

December 13, 2000

MEMORANDUM

TO: Parties and Interested Persons (see attached list)

FROM: R. S. Titus, Deputy  
King County Hearing Examiner

SUBJECT: Wilkins' Wood Preliminary Plat Application and  
SEPA Threshold Determination Appeal  
DDES File No. L99P3010  
Proposed Ordinance No. 2000-0577

RE: Examiner's Report and Decision, dated December 11, 2000  
Notice of Appeal Deadline

The Examiner's December 11, 2000 Report and Decision regarding Wilkins' Wood indicates December 25, 2000 (Christmas Day) as the deadline for filing a notice of appeal. [ KCC 20.24. allows fourteen days to file an appeal, measured from the date of the decision. ] Any person intending to file an appeal will be assured to know that a December 26, 2000 filing will suffice. Deadlines falling on holidays are commonly extended to the next legal business day.

RST:vam  
Attachment  
L99P3010 mem

Jim Chihara  
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Renton WA 98055

Connie L Johnson  
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Renton WA 98055

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Mike Ryan  
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Renton WA 98055

John Wilkins  
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Seattle WA 98116

Kim Claussen  
DDES/LUSD  
Current Planning  
MS OAK-DE-0100

Kristen Langley  
KC Transportation Dept  
Traffic and Planning Section  
MS KSC-TR-0222

Karen Scharer  
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Beth A Scheffer  
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Renton WA 98055

Mark Bergam  
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Engineering Review  
MS OAK-DE-0100

Peter Dye  
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